

<b>Application Reference Number:</b>	2025/0761		
<b>Application Type:</b>	Change of Use.		
<b>Proposal Description:</b>	Change of use from dwellinghouse (C3) to House of Multiple Occupation (C4) for up to and including 5 people (Retrospective).		
<b>Location:</b>	29 Agnes Road, Barnsley, S70 1NJ.		
<b>Applicant:</b>	Mr Zafran Khan.		
<b>Third-party representations:</b>	X5 Objections.	<b>Parish:</b>	
		<b>Ward:</b>	Kingstone.

### Summary:

The applicant is seeking planning permission for the change of use from a dwellinghouse (Class C3) to a House of Multiple Occupation (Class C4) for up to and including 5-people (Retrospective). Other works undertaken include the removal of a detached garage, the installation of hardstanding and the erection of vehicular access gates.

Having balanced all material planning considerations, while some objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information provided, and while moderate weight is attributed against the proposal because of non-compliance with Local Plan Policy H9, this is considered to be outweighed by the other material planning considerations in this instance such as compliance with Local Plan Policy H6 in that the proposal would contribute to a broad mix of house size, type and tenure helping to create mixed and balanced communities and achieve an appropriate mix of homes to meet local needs and changing needs of the population. The surrounding area would also remain principally residential comprising smaller terraced dwellings. The proposal is also considered to be in compliance with other relevant development plan policies and adopted SPD guidance.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should be granted subject to necessary conditions.

The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation: **APPROVE subject to conditions.**

## Site Description

The application relates to a two-storey mid-terrace property in use as a House of Multiple Occupation (HMO) (Class C4). At first floor level the HMO extends over an existing ground floor commercial unit occupying an end-of-terrace corner plot at the junction of Agnes Road with Spring Street.

The property was formerly a pharmacy and a proposed change of use to a mixed-use shop and 5no-bedroom HMO (Sui Generis) was refused under application 2020/1186.

Unauthorised works were undertaken to retain a ground floor commercial retail unit and a 5-bedroom property covering part of the ground floor, first floor and roof space. A part-retrospective application for a change of use to a mixed-use shop and a dwellinghouse (Class E and Class C3) was approved under application 2022/0213.

Further unauthorised works have been undertaken to use the 5-bedroom property as an HMO (Class C4) rather than the approved dwellinghouse (Class C3). A detached garage to the north-west corner within the development site has been removed, hardstanding installed, and a vehicular access gates erected on the west boundary facing onto Spring Street.

The development site is located within an area that is a mix of residential and commercial uses with a micro pub, beauty clinics and hair salon, a café, convenience stores, hot food takeaways and other retail use nearby. The development site benefits from an edge of Town Centre location and is within short walking distance of Barnsley Town Centre to the northeast with its larger range of services and amenities, and Locke Park to the southwest.

While the development site has off-street parking provision to the rear accessed from Spring Street, on-street parking is common within the surrounding area with no on-street parking restrictions.



## Planning History

2020/1186	Change of use of former chemists to mixed use shop and 5no bedroom HMO (Use Class Sui Generis).	Refused.
2022/0213	Change of use of former chemist to a mixed use of 1no shop unit and 1no dwellinghouse (use classes E and C3) - Part retrospective.	Approved.

Application 2020/1186 was refused for the following reason(s):

- 1. In the opinion of the Local Planning Authority the proposed House of Multiple Occupation (HMO) would make a further negative contribution to the concentration of HMO's and bedsits within the immediate area to the detriment of the areas character. Furthermore, given the substandard shared living spaces and external amenity space, the future residents would be subject to an inadequate standard of residential amenity. In addition, the HMO use, in combination with the retained commercial use, would increase noise and disturbance through increased activity and be detrimental to the amenity of neighbouring residents. Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making', the 'Supplementary Planning document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide.*
- 2. In the opinion of the Local Planning Authority the proposal to change the use of the building to a House of Multiple Occupation is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single-family sized houses. The application property is within a predominantly residential area and is capable of becoming a larger home again without significant adaption.*
- 3. The applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on residential amenity of the future occupants, in terms of light and outlook.*

## Proposed Development

The applicant is seeking planning permission for the change of use from a dwellinghouse (Class C3) to a House of Multiple Occupation (Class C4) for up to and including 5-people (Retrospective). Other works undertaken include the removal of a detached garage, the installation of hardstanding and the erection of vehicular access gates.

## Relevant Policies

### The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy H6: Housing Mix and Efficient Use of Land.*
- *Policy H9: Protection of Existing Larger Dwellings.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High quality design and place making.*

### National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. The revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 5: Delivering a sufficient supply of homes.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take this guidance into account when taking decisions.

### Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The following SPDs are relevant in this case:

- *Design of Housing Development (Adopted July 2023).*
- *Parking (Adopted November 2019).*

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

### Other Material Considerations

- *South Yorkshire Residential Design Guide 2011 (SYRDG).*

- *Barnsley Strategic Housing Market Assessment 2021 (SHMA).*
- *Barnsley Housing Strategy 2024–2028.*

## Representations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A site notice was posted nearby, expiring 3<sup>rd</sup> October 2025.

A total of 5no. objections were received. The concerns raised are summarised as follows:

- Parking and traffic.
- A survey conducted by BMBC showed there was a surplus of HMOs and a lack of family sized houses.
- The community has been blighted by issues associated with HMOs including rubbish and fly-tipping.
- HMOs do not provide decent housing and investigations have shown that mental health significantly declines when people are living in this type of housing.
- Criminality associated with HMOs including anti-social behaviour, drugs and people trafficking, which is expensive for BMBC and local Police and detrimental to community cohesion and safety.
- Transient nature – High turnover of residents makes it difficult to build stable relationships with neighbours and creates uncertainty about who is living around you.
- Management concerns – If landlords do not manage HMOs properly, it can lead to noise, waste, and overcrowding issues which spill over into the neighbourhood.
- Concentration of HMOs.

## Consultations

Case Management Officer	<i>No objection(s) subject to condition(s).</i>
Highways Development Control	<i>No objection(s) subject to condition(s).</i>
Strategic Housing	<i>Comment(s).</i>
South Yorkshire Police	<i>Comment(s).</i>
Planning Enforcement	<i>Comment(s).</i>
Pollution Control	<i>Comment(s).</i>
Local Ward Councillors	<i>Comment(s).</i>

Strategic Housing were not formally consulted but were engaged by the LPA during the application process to understand the housing need in the area.

South Yorkshire Police (SYP) suggested that the Applicant implement measures in line with Secured by Design principles. These comments were relayed to the Applicant for consideration.

Planning Enforcement were not formally consulted but were engaged during the application process to understand whether any complaints had been raised. It was stated that a complaint was received and that a retrospective planning application was requested so the planning merits could be heard.

Pollution Control (Environmental Health) were not formally consulted but were engaged by the LPA during the application process to understand whether any complaints had been raised regarding the application property and existing HMO use.

One response was received from a Local Ward Councillor seeking clarification on several matters. Formal responses were made to the questions raised. No formal objections were received.

## **Planning Assessment**

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

## **Principle of Development**

Paragraph 61 of the NPPF states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an area's identified housing need with an appropriate mix of housing types for the local community.

Paragraph 128 of the NPPF states Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans.

Local Plan Policy H6: Housing mix and efficient use of land states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

Paragraph 9.17 of the adopted Local Plan supports Policy H6. It establishes that various housing types capable of accommodating a range of needs are required across the borough such as family housing and older persons accommodation. In addition, supported housing is required for vulnerable households for example those with physical or mental disabilities and young people with support needs. Proposals will be supported where they are consistent with this policy and other policies in the development plan, or where robust supporting evidence can be provided that would be a material consideration of sufficient weight to take precedence.

Local Plan Policy H9: Protection of existing larger dwellings asserts that the loss of existing larger dwellings will be resisted. Larger dwellings are taken to be those that have four or more bedrooms or can accommodate four or more bedrooms without significant adaptation as stated by paragraph 8.2 within the Design of housing development SPD.

Paragraph 9.34 of the adopted Local Plan supports Policy H9. It establishes that as well as provision – as part of our housing mix – of some new low density, large dwellings and family housing, it is also important to ensure the endurance of existing housing stock of this type as in recent years dwelling conversions have been taking place at an increasing rate in the borough. These conversions have resulted in a loss of larger homes and an increase in the number of smaller homes contributing to the imbalance in the housing stock towards smaller homes. This has been a problem particularly in Urban Barnsley around the Town Centre.

The Design of Housing Development SPD establishes specific guidance in relation to the conversion of buildings to Houses in Multiple Occupation (HMOs), studio apartments or bedsits.

Paragraph 28.1 of the Design of Housing Development SPD sets out that following guidance applies to proposals for the conversion of non-residential buildings or small dwellings. Such proposals would be allowed where the following criteria are satisfied:

- HMOs, studio apartments or bedsits account for less than 10% of the residential properties located on the street in question.
- HMOs, studio apartments or bedsits account for less than 10% of the residential properties within a 50-metre radius of the development site.
- The proposal would not result in three or more HMOs being located immediately adjacent to each other, or the sandwiching of a dwellinghouse between two HMOs.
- The building and curtilage are of sufficient size to provide suitable facilities for residents.
- HMOs should have a shared lounge and dining room, and garden sizes should be comparable with the general criteria for dwellings (i.e., a minimum of 60 square metres).
- Amenity space, external and internal spacing standards, and separation distances should adhere to the requirements within the general criteria.
- No unacceptable noise nuisance for existing neighbouring residents or occupant(s) of the proposed residential unit(s).
- Satisfactory provision should be made for off-street car parking, or, exceptionally, the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off-street car parking.
- The external appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

The property was formerly a pharmacy and a proposed change of use to a mixed-use shop and 5no-bedroom HMO (Sui Generis) was refused under application 2020/1186.

Unauthorised works were undertaken to retain a ground floor commercial retail unit and a 5-bedroom property covering part of the ground floor, first floor and roof space. A part-retrospective application for a change of use to a mixed-use shop and a dwellinghouse (Class E and Class C3) was approved under application 2022/0213.

Further unauthorised works have been undertaken to use the 5-bedroom property as an HMO (Class C4) rather than the approved dwellinghouse (Class C3).

Considering the above, while the applicant has argued that the proposal is not contrary to Local Plan Policy H9 on the premise that the application property does not represent a traditional larger dwelling and was not built to be such, and is instead a result of amalgamating two terraced properties at first floor to provide additional bedroom space and to facilitate a ground floor commercial unit, the Local Planning Authority (LPA) must consider this application against the property as it exists, and as such, the retrospective proposal is considered contrary to Local Plan Policy H9 because it has resulted in the loss of a building capable of accommodating a larger dwellinghouse (four or more bedrooms) without significant adaptation. As such, significant weight is attributed against the proposal.

Notwithstanding the above, Local Plan Policy H6: Housing mix and efficient use of land states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities.

The Applicant argues that there is a clear and evidenced demand for HMOs in the Kingstone Ward because of high levels of single-person households and private renting, rising rents outpacing LHA, leaving shared housing as an affordable option, and short supply of one-bedroom homes across the borough. It is stated that the Barnsley Housing Strategy 2024–2028 identifies a shortage of smaller affordable homes, with demand for one-bed and two-bedroom properties exceeding supply across the borough. It also seeks to improve quality standards in the private rented sector (PRS). Strategic Housing were engaged by the LPA. Strategic Housing stated that the Kingstone Ward falls into the South Barnsley and Worsbrough market area. The Barnsley Strategic Market Housing Assessment (SMHA) specifically identifies that demand outstrips supply of 4-bedroom and 5-bedroom homes in this market area. Based on Table D11 of the SHMA, the highest market housing need for this area is 3-bedroom houses (41%), followed by 2-bedroom houses (20%) and 4-bedroom houses (16%). Together, a greater demand for larger family units than smaller shared accommodation in the area is indicated.

Considering the above, while it is identified that demand outstrips supply of larger dwelling houses (4 or more bedrooms) there is a greater demonstrable need for smaller dwellings in this location. As such, the weight attributed against the proposal because of conflict with Local Plan Policy H9 should be reduced to moderate. While smaller shared accommodation may not be most in demand in this area, the proposal would contribute to a broad mix of house size, type and tenure helping to create mixed and balanced communities and achieve an appropriate mix of homes to meet local needs and changing needs of the population in accordance with Local Plan Policy H6, and the surrounding area would remain principally residential comprising smaller terraced dwellings. As such, this is attributed moderate weight in favour of the proposal.

The proposal would not result in more than 10% of the residential properties located on Agnes Road being HMOs, studio apartments or bedsits. There is one existing HMO within a 50-metre radius of the development site. The proposal would not result in three or more HMOs being adjacent to each other, nor would it result in the sandwiching of a dwellinghouse (C3) between two HMOs. While there are existing HMOs within the broader locality, the proposal would not result in an over concentration of such uses and is in accordance with the Council's adopted guidance established within the Design of Housing Development SPD. As such, this is attributed significant weight in favour of the proposal. The Council's Case Management Officer was consulted, and no objections were raised as it was felt that the development site was not within a high density area of HMOs.

On balance, the proposal could therefore prove to be acceptable in principle subject to consideration of the following matters.

#### Impact on Residential Amenity, Health and Pollution Control

During the application process, concerns were raised regarding potential criminality associated with HMOs including anti-social behaviour, drugs and people trafficking; noise, waste and overcrowding issues; and that HMOs do not provide decent housing.

The property was formerly a pharmacy and a proposed change of use to a mixed-use shop and 5no-bedroom HMO (Sui Generis) was refused under application 2020/1186. The previous reason(s) for refusal include a lack sufficient details to enable an adequate assessment to be made of the effect of the proposal on residential amenity of the future occupants, in terms of light and outlook, alongside substandard shared living spaces and external amenity space. Both issues were adequately rectified under application 2022/0213.

Regarding the current proposal, the submitted plans indicate that the HMO comprises shared living and kitchen and dining spaces at ground level, four bedrooms, two en-suites and a shared shower

room and WC at first floor level, and a fifth bedroom in the roof space. All habitable rooms are shown to benefit from windows with reasonable access to natural light and outlook. All rooms would achieve reasonable internal space standards in accordance with SYRDG. The Council's Case Management Officer has also confirmed that the property meets licensing requirements with a temporary license for one year granted on 22<sup>nd</sup> April 2025. The internal layout appears to remain unchanged from that approved under application 2022/0213.

Given that that the retrospective HMO use has been accommodated within the extent of the existing property with no significant extensions or adaptations required, first floor windows follow the existing development pattern and maintain existing separation distances to neighbouring properties. As such it is not considered that the proposal results in significant overshadowing or overlooking and loss of privacy that may otherwise be detrimental to the amenity of existing residents.

A detached garage to the rear has since been removed and an area of hardstanding installed. While it is indicated that this area is used for off-street parking it could provide the occupant(s) with outdoor amenity space comparable with neighbouring gardens within the locality. The development site also benefits from good access to leisure facilities in the local area, including Locke Park and Shaw Lane Sports Club.

While concerns have been raised that HMOs do not provide decent housing, the proposal complies with the relevant internal and external space standards as is required and is in a sustainable location with good access to local services, amenities and facilities.

Regarding anti-social behaviour, paragraph 96(b) of the NPPF states planning policies and decisions should aim to achieve healthy, inclusive and safe and accessible places, so that crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion. While crime and disorder and the fear of crime can be a material planning consideration, concerns must be relevant to the specific proposal under consideration.

In this instance, the concerns raised have been made generically and either relate to previous HMO uses on Agnes Road or existing HMO uses on nearby streets. While issues could occur, it would be unreasonable to attribute weight against the proposal on the grounds of previous and existing nearby issues, or future potential. No demonstrable evidence has been supplied to evidence these issues specific to this application and potential issues that could arise in the future could be addressed by alerting the relevant Council departments or the Police.

This application is also supported by supporting information which includes statistics shared through the Central Area team based on Police Crime Statistics focusing on the Agnes Road area covering the first half of 2025 (January – June). It is acknowledged that while the statistics are a snapshot for the area, it is stated that they provide a good indication of the prevalence of crime in the local area, its nature, and indicatively, what might add to the situation. The statistics show that while a range of crimes are reported in the area, the level of crime is somewhat low around Agnes Road.

South Yorkshire Police (SYP) did not raise any specific crime concerns in their response. A standard response was instead provided encouraging the Applicant to consider measures in line with Secured by Design principles. These comments were relayed to the Applicant.

Regarding noise, the LPA can only take into account the potential impacts of the proposal. Existing noise concerns would either need to be enforced through previous planning conditions (if applicable) or through the Council's online reporting procedure.

Within the submitted supporting information, it is stated that the Central Area team indicate that noise nuisance is not a particular issue of note in the Agnes Road area. Traffic on Agnes Road, particularly in the daytime, as it does present a local short cut, contributes to noise nuisance. Those frequenting the local Heaven and Ale Pub in the evening have also drawn the ire of local residents at times.

Furthermore, application 2022/0213 was supported by a Noise Survey. The Officer Report sets out that the report found that the property had adequate insulation to achieve acceptable internal noise levels. This remains relevant to the current application as it demonstrates that the occupant(s) of the HMO would not be detrimentally affected by the ground floor commercial use or other contributing factors.

The Council's Environmental Health Officer (Pollution Control) was engaged by the LPA, and it was confirmed that no complaints had been received regarding the application property or its current use as an HMO.

Considering the above, while noise nuisance is possible from the increased comings and goings to and from the application property, this has not been identified as an existing concern and given that the HMO use has been operating retrospectively, it indicates that there has been minimal impact on the amenity of existing residents. In addition, it is not considered that the retrospective use as a HMO would be materially or significantly more harmful than if the property were to be occupied as a family dwellinghouse (Class C3) of up to five occupants, especially within the context of existing traffic and commercial uses.

While waste requirements may increase, it is similarly not considered that this would be materially or significantly more harmful than if the property were to be occupied as a large family dwellinghouse (Class C3) of up to five occupants. Highways Development Control were consulted, and waste was not raised as issue. Following a site visit, the development site also appears to be well-kept and tidy.

Regarding potential overcrowding, the Applicant is required to adhere to the limits and conditions of any potential grant of planning permission. In this instance, it means that the HMO use, if approved, could not exceed an occupancy of 5-people as specified by the development description. The HMO use would also be subject to separate licensing requirements which involves limiting occupant levels to what can be safely and adequately accommodated.

Considering the above, it is considered that the previous reason(s) for refusal have been addressed satisfactorily and the proposal would not contribute to unacceptable impacts on residential amenity. As such, this is considered to weigh significantly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.*

### Impact on Highways

During the application process, concerns were raised regarding parking and traffic.

Paragraph 116 of the NPPF states development should only be prevented and refused on highways grounds if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network, following mitigation, would be severe, considering all reasonable future scenarios.

The development site is located close to the crossroads junction of Agnes Road with Spring Street. On-street parking is commonplace in the locality with parking occurring on both sides of both roads. There are no on-street parking restrictions in place.

Highways Development Control were consulted, and it was stated that the development site benefits from an edge of Town Centre location with good pedestrian and cycle access. The development site is within comfortable walking distance of nearby bus stops and is within 1km of Barnsley Transport Interchange and has good access to nearby services, amenities and facilities both locally and within Barnsley Town Centre. The development site is therefore considered to be in a sustainable location. As such, walking and cycling should be encouraged as a form of active travel and alternative to the private motor vehicle. Proposals should therefore endeavour to comply with Table 2 Cycle Parking

Standards within the Parking SPD which requires one secure covered cycle parking space for each dwelling. The proposal should therefore include a scheme for the parking of bicycles which complies with LTN 1/20 Cycle Infrastructure Design. The Applicant has indicated that this could be provided. As such, if approved, a cycle parking scheme could be secured by condition.

Highways Development Control also stated that most properties within the immediate area have no off-street parking provision, which results in both sides of the surrounding roads being heavily utilised for parking. Consequently, on-street parking availability is at a premium. However, the proposals do include off-street parking to the rear off Spring Street. Table 1 Car Parking Standards in the Parking SPD states that one car parking space should be provided per 3-bedrooms for an HMO. This results in a requirement for two off-street parking spaces to be provided in this instance. It is acknowledged that the proposal shows four parking spaces to the rear. However, only two parking spaces could be accommodated in this area based on standard space sizes of 2.5 metres x 5 metres. While the area can only accommodate two car parking spaces, this is all that is required by the Parking SPD in this instance. The proposal is therefore compliant in this regard.

Notwithstanding the above, Highways Development Control sought additional information regarding drainage measures to prevent surface water run-off onto the public highway, and measures to stop the vehicular access gates opening into the public highway and footpath. The Applicant has indicated that such measures could be provided to address both issues. As such, if approved, conditions could be used to secure these, which include a designated cycle parking area to the rear; installation of a surface water drain and soakaway to the parking area; and metal plates welded to the access gates such that they are prevented from opening out onto the public highway.

Highways Development Control therefore raised no objections subject to conditions.

Consequently, it is not considered that there would be an unacceptable impact on highway safety to otherwise justify the refusal of this application on highways grounds in line with paragraph 116 of the NPPF. As such, this is considered to weigh significantly in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.*

#### Impact on Visual Amenity

No extensions or other external alterations are proposed and therefore it is not considered that the proposal would significantly alter or detract from the character of the street scene or broader locality. While a garage has been removed, hardstanding installed and vehicular access gates erected, the works undertaken have borne an improvement with a minimal impact to the overall character of the street scene. While the height and type of vehicular access gates erected are not common for such domestic settings, they replace previous boundary treatments of a similar height, and set against a backdrop of the back painted gable wall of 60 Spring Street, their prominence within the street scene is greatly reduced.

Considering the above, this is considered to weigh moderately in favour of the proposal.

*The proposal is therefore considered to comply with Local Plan Policies D1: High Quality Design and Placemaking and is acceptable regarding visual amenity.*

#### Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), the proposal is considered in the context of the presumption in favour of sustainable development.

Having balanced all material planning considerations, while some objections have been received in respect of the proposal, it is considered that concerns have been appropriately addressed through the information provided, and while moderate weight is attributed against the proposal because of non-compliance with Local Plan Policy H9, this is considered to be outweighed by the other material planning considerations in this instance such as compliance with Local Plan Policy H6 in that the proposal would contribute to a broad mix of house size, type and tenure helping to create mixed and balanced communities and achieve an appropriate mix of homes to meet local needs and changing needs of the population. The surrounding area would also remain principally residential comprising smaller terraced dwellings. The proposal is also considered to be in compliance with other relevant development plan policies and adopted SPD guidance.

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant local and national planning policies and guidance. Therefore, planning permission should be granted subject to necessary conditions.

**RECOMMENDATION: Approve subject to conditions.**

**Justification**

**Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.**

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Additional information sought in relation to Highway Development Control concerns.*

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

## Conditions:

1. The development hereby approved shall be carried out strictly in accordance with the plans:

Location Plan.

29-31 Agnes Road, Barnsley – Layout Plans.

29-31 Agnes Road, Barnsley – Landscaping Details.

Proposals for Highways DC - Supplementary Information received 16<sup>th</sup> November 2025.

Email in response to Highways Development Control comments dated and received 16<sup>th</sup> November 2025.

and specifications as approved unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

2. Within 3 months from the date of this permission, adequate measures shall be designed into the existing vehicular areas in accordance with the submitted details to avoid the discharge of surface water from the development site onto the public highway. The measures, once implemented, shall be retained thereafter.  
**Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard; to ensure adequate provision for the disposal of surface water and to prevent mud/debris from being deposited on the public highway and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4: New Development and Transport Safety.**
3. Within 3 months from the date of this permission, measures shall be incorporated into the structure of the existing vehicular access gates in accordance with the submitted details to ensure that they only open inwards. The measures, once implemented, shall be retained thereafter.  
**Reason: To ensure the safe and unobstructed use of the adopted highway is maintained in accordance with Local Plan Policy T4: New Development and Transport Safety.**
4. Within 3 months from the date of this permission, the scheme for the parking of bicycles shall be fully implemented in accordance with the submitted details and retained thereafter.  
**Reason: In the interest of encouraging the use of sustainable modes of transport in accordance with Local Plan Policy T3: New Development and Sustainable Travel.**
5. From the date of permission being granted, the existing vehicular area shall remain as constructed (i.e. properly consolidated and hard surfaced) and shall subsequently be maintained in good working order at all times thereafter for the lifetime of the development.  
**Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard; to prevent mud/debris from being deposited on the public highway; and to prevent the migration of loose material on to the public highway to the detriment of road safety and in accordance with Local Plan Policy T4 New Development and Transport Safety.**
6. The ground floor living room shown on the submitted layout plans shall always remain as a communal living space and shall not be used for any other purpose for the lifetime of the development.  
**Reason: In the interests of the residential amenities of the occupant(s) of the application property and in accordance with Local Plan Policy GD1: General**

## **Development.**

7. Construction or demolition-related activity shall only take place between the hours of 08:00am – 18:00pm Monday to Fridays, 09:00am – 14:00pm Saturdays and at no time on Sundays and Bank Holidays.

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**

## **Informative(s):**

1. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.